

Executive Summary – Enforcement Matter – Case No. 41335
Enterprise Products Operating LLC
RN102323268
Docket No. 2011-0429-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Enterprise Mont Belvieu Complex, 10207 Farm-to-Market Road 1942, Mont Belvieu,
Chambers County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2011-1356-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 16, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$66,925

Amount Deferred for Expedited Settlement: \$13,385

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$26,770

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$26,770

Name of SEP: Barbers Hill Independent School District-Alternative Fueled Vehicle
and Equipment Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: \$5,500

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 41335
Enterprise Products Operating LLC
RN102323268
Docket No. 2011-0429-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 12, 2011, January 13, 2011, February 2, 2011, and February 10, 2011

Date(s) of NOE(s): February 28, 2011, March 1, 2011, March 14, 2011, and April 19, 2011

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,049.01 pounds ("lbs") of propylene, 1,202.31 lbs of propane, 43.25 lbs of n-butane, and 30.27 lbs of ethane from a pump in the North Storage Unit during an avoidable emissions event (Incident No. 146803) that began on October 30, 2010, and lasted one hour and ten minutes. This emissions event was the result of a leak that developed on a seal flush line on Pump P-704. Since this emissions event could have been avoided through better maintenance practices and was not properly reported, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [Federal Operating Permit ("FOP") No. O1641, Special Terms and Conditions No. 9, New Source Review Permit ("NSRP") Nos. 19930, PSD-TX-797M1, and PSD-TX-790, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to submit the final record for Incident No. 146803 within two weeks after the end of the emissions event. Specifically, the emissions event ended on October 30, 2010 at 11:25 a.m., and the final record was not submitted until November 18, 2010 at 3:30 p.m. [30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 11,593.73 lbs of propane from a gasket on the Depropanizer Column Reboiler during an emissions event (Incident No. 146894) that began on November 1, 2010, and lasted six hours. This emissions event was the result of a leak that developed when a gasket failed due to thermal expansion. Since the Respondent failed to submit a final record, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [FOP No. O1641, Special Terms and Conditions No. 9, Standard Permit Registration No. 87477, General Conditions, 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to submit a final record for Incident No. 146894. Specifically, a final record was required to be submitted for this emissions event since it was determined that the actual quantity of emissions differed from the quantity that was reported in the initial notification [30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Executive Summary – Enforcement Matter – Case No. 41335
Enterprise Products Operating LLC
RN102323268
Docket No. 2011-0429-AIR-E

5. Failed to report emissions events that exceeded a reportable quantity. Specifically, a review of the Respondent's recordable emissions event records indicated that emissions events that occurred on April 25, 2008, August 3, 2008, October 9, 2008, November 5, 2008, November 10, 2008, and September 16, 2009, exceeded a reportable quantity, and the emissions events were not reported to the TCEQ [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
6. Failed to report all instances of deviations. Specifically, 26 recordable and reportable emissions events occurred during the June 13, 2009 through December 12, 2009, December 13, 2009 through June 12, 2010, and June 13, 2010 through December 12, 2010 reporting periods, and they were not reported as deviations in the semi-annual deviation reports [FOP No. O1641, General Terms and Conditions, 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
7. Failed to provide additional information at the request of the TCEQ. Specifically, in the Exit Interview Form dated January 13, 2011, emissions calculations for the emissions events that occurred on January 21, 2010, February 2, 2010, and June 23, 2010 were requested to be submitted by February 2, 2011, and the calculations have not been submitted [30 TEX. ADMIN. CODE § 101.201(f) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
8. Failed to prevent unauthorized emissions. Specifically, the Respondent released 22,151.69 lbs of volatile organic compounds from a bleed valve on a butane line for the West Texas Fractionator II during emissions event (Incident No. 148850) that began on December 27, 2010, and lasted sixteen minutes. This emissions event was the result of a leak that developed when a weld failure caused the valve to detach from the line. Since this emissions event was not properly reported, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [FOP No. O1641, Special Terms and Conditions No. 9, NSRP No. 6798, General Conditions No. 1, 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
9. Failed to submit the initial notification for Incident No. 148850 within 24 hours. Specifically, the emissions event was discovered on December 27, 2010 at 2:30 p.m., however, the initial notification was not submitted until December 28, 2010 at 3:54 p.m. [30 TEX. ADMIN. CODE § 101.201(a)(1)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
10. Failed to submit a final record for Incident No. 148850. Specifically, a final record was required to be submitted for this emissions event since it was determined that the actual quantity of emissions and duration of the emissions event differed from what was reported in the initial notification [30 TEX. ADMIN. CODE § 101.201(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Executive Summary – Enforcement Matter – Case No. 41335
Enterprise Products Operating LLC
RN102323268
Docket No. 2011-0429-AIR-E

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures:

- a. By February 2, 2011, the corrected emission amounts and duration for the final record for Incident No. 148850 were provided to TCEQ staff;
- b. By February 10, 2011, the corrected emission amounts for the final record for Incident No. 146894 were provided to TCEQ staff; and
- c. By March 23, 2011, the Respondent revised the tubing installation procedures to require additional inspection steps, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 146803.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Implement measures and procedures designed to ensure that final records for emissions events are submitted when the information differs from the information reported in the initial notification;
 - ii. Report the emissions events that occurred on April 25, 2008, August 3, 2008, October 9, 2008, November 5, 2008, November 10, 2008, and September 16, 2009 to the State of Texas Environmental Electronic Reporting System;
 - iii. Implement measures and procedures designed to ensure that emissions events are reported to the TCEQ when a reportable quantity is exceeded;
 - iv. Implement measures and procedures designed to ensure that all recordable and reportable emissions events are reported in the semi-annual deviation reports;
 - v. Provide emissions calculations, including the basis for such calculations, for the emissions events that occurred on January 21, 2010, February 2, 2010, and June 23, 2010;
 - vi. Implement measures and procedures designed to ensure that additional information requested by TCEQ staff is provided within the established timeframe; and

Executive Summary – Enforcement Matter – Case No. 41335
Enterprise Products Operating LLC
RN102323268
Docket No. 2011-0429-AIR-E

vii. Implement measures and procedures designed to ensure that initial notifications for emissions events are submitted with 24 hours of discovery.

b. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Graham Bacon, Vice President – Houston Region, Enterprise Products Operating LLC, P.O. Box 573, Mont Belvieu, Texas 77580-0573

Jon Fields, Field Environmental Manager, Enterprise Products Operating LLC, P.O. Box 573, Mont Belvieu, Texas 77580-0573

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-0429-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Payable Penalty Amount:	Fifty-Three Thousand Five Hundred Forty Dollars (\$53,540)
SEP Amount:	Twenty-Six Thousand Seven Hundred Seventy Dollars (\$26,770)
Type of SEP:	Pre-approved
Third-Party Recipient:	Barbers Hill Independent School District- Alternative Fueled Vehicle and Equipment Program
Location of SEP:	Chambers County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Barbers Hill Independent School District** for the **Alternative Fueled Vehicle and Equipment Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

Enterprise Products Operating LLC
Agreed Order - Attachment A

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

C. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

John Johnson
Carl Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 101
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

Enterprise Products Operating LLC
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	21-Mar-2011	Screening	30-Mar-2011	EPA Due	
	PCW	30-Mar-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Enterprise Products Operating LLC		
Reg. Ent. Ref. No.	RN102323268		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	41335	No. of Violations	9
Docket No.	2011-0429-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Johnson
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$28,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **155.0%** Enhancement **Subtotals 2, 3, & 7** **\$44,175**

Notes: Enhancement for six NOV's with same/similar violations, 21 NOV's with dissimilar violations, three orders with denial of liability, and one order without denial of liability. Reduction for two Notice of Audit letters submitted.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$250**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$1,035
Approx. Cost of Compliance \$13,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$72,425**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$72,425**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$66,925**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$13,385**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$53,540**

Screening Date 30-Mar-2011

Docket No. 2011-0429-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 41335

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	21	42%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 155%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for six NOVs with same/similar violations, 21 NOVs with dissimilar violations, three orders with denial of liability, and one order without denial of liability. Reduction for two Notice of Audit letters submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 155%

Screening Date 30-Mar-2011

Docket No. 2011-0429-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 41335

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Federal Operating Permit ("FOP") No. O1641, Special Terms and Conditions No. 9, New Source Review Permit ("NSRP") Nos. 19930, PSD-TX-797M1, and PSD-TX-790, Special Conditions No. 1, 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,049.01 pounds ("lbs") of propylene, 1,202.31 lbs of propane, 43.25 lbs of n-butane, and 30.27 lbs of ethane from a pump in the North Storage Unit during an avoidable emissions event (Incident No. 146803) that began on October 30, 2010, and lasted one hour and ten minutes. This emissions event was the result of a leak that developed on a seal flush line on Pump P-704. Since this emissions event could have been avoided through better maintenance practices and was not properly reported, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to an insignificant amount of pollutants that did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent completed corrective measures on March 23, 2011, after the February 28, 2011 NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$30

Violation Final Penalty Total \$6,125

This violation Final Assessed Penalty (adjusted for limits) \$6,125

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 41335
Reg. Ent. Reference No. RN102323268
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	30-Oct-2010	23-Mar-2011	0.39	\$30	n/a	\$30

Notes for DELAYED costs

Estimated expense to revise the tubing installation procedures to include additional inspection steps. The Date Required is the date of the emissions event. The Final Date is the date that corrective measures were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$30

Screening Date 30-Mar-2011

Docket No. 2011-0429-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 41335

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 101.201(c) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit the final record for Incident No. 146803 within two weeks after the end of the emissions event. Specifically, the emissions event ended on October 30, 2010 at 11:25 a.m., and the final record was not submitted until November 18, 2010 at 3:30 p.m.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

The Respondent met at least 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

6 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$79

Violation Final Penalty Total \$255

This violation Final Assessed Penalty (adjusted for limits) \$255

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 41335
Reg. Ent. Reference No. RN102323268
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	13-Nov-2010	2-Dec-2011	1.05	\$79	n/a	\$79
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to implement training measures and procedures designed to ensure that final records for emissions events are submitted within two weeks. The Date Required is the date the final record was due to be submitted. The Final Date is the projected date that corrective measures will be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$79

Screening Date 30-Mar-2011

Docket No. 2011-0429-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 41335

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 3

Rule Cite(s)

FOP No. 01641, Special Terms and Conditions No. 9, Standard Permit Registration No. 87477, General Conditions, 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 11,593.73 lbs of propane from a gasket on the Depropanizer Column Reboiler during an emissions event (Incident No. 146894) that began on November 1, 2010, and lasted six hours. This emissions event was the result of a leak that developed when a gasket failed due to thermal expansion. Since the Respondent failed to submit a final record, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to a significant amount of pollutants that did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$82

Violation Final Penalty Total \$12,750

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
 Case ID No. 41335
 Reg. Ent. Reference No. RN102323268
 Media Air
 Violation No. 3

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	14-Nov-2010	2-Dec-2011	1.05	\$79	n/a	\$79
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	14-Nov-2010	10-Feb-2011	0.24	\$3	n/a	\$3

Notes for DELAYED costs

Estimated expense to submit the final records and implement training measures and procedures designed to ensure that final records for emissions events are submitted when the information differs from what was reported in the initial notification. The Date Required is the date that the earliest final record was due to be submitted. The Final Date is the projected date that corrective measures will be completed (Training/Sampling) and the date the corrected emission amounts were submitted by (Other).

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$82

Screening Date 30-Mar-2011

Docket No. 2011-0429-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 41335

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 101.201(c) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit a final record for Incident Nos. 146894 and 148850. Specifically, final records were required to be submitted for these emissions events since it was determined that the actual quantity of emissions and/or duration differed from the quantity that was reported in the initial notifications.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

The Respondent met at least 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

124 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$200

Two single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$510

This violation Final Assessed Penalty (adjusted for limits) \$510

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
 Case ID No. 41335
 Reg. Ent. Reference No. RN102323268
 Media Air
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in Violation No. 3.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 30-Mar-2011

Docket No. 2011-0429-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 41335

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report emissions events that exceeded a reportable quantity. Specifically, a review of the Respondent's recordable emissions event records indicated that emissions events that occurred on April 25, 2008, August 3, 2008, October 9, 2008, November 5, 2008, November 10, 2008, and September 16, 2009 exceeded a reportable quantity, and the emissions events were not reported to the TCEQ.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

The Respondent failed to meet 100% of the rule requirement.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 6

6 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$15,000

Six single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$540

Violation Final Penalty Total \$38,250

This violation Final Assessed Penalty (adjusted for limits) \$38,250

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC

Case ID No. 41335

Reg. Ent. Reference No. RN102323268

Media Air

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	26-Apr-2008	2-Dec-2011	3.60	\$270	n/a	\$270
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	26-Apr-2008	2-Dec-2011	3.60	\$270	n/a	\$270

Notes for DELAYED costs

Estimated expense to report the six emissions events and to implement training measures and procedures designed ensure that emissions events are reported when a reportable quantity is exceeded. The Date Required is the date that the earliest emissions event was due to be reported. The Final Date is the projected date that corrective measures will be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$540

Screening Date 30-Mar-2011

Docket No. 2011-0429-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 41335

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 6

Rule Cite(s)

FOP No. 01641, General Terms and Conditions, 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all instances of deviations. Specifically, 26 recordable and reportable emissions events were documented to have occurred during the June 13, 2009 through December 12, 2009, December 13, 2009 through June 12, 2010, and June 13, 2010 through December 12, 2010 reporting periods, and they were not reported as deviations in the semi-annual deviation reports.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

The Respondent met at least 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 3

441 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$300

Three single events are recommended for the three incomplete reports.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$141

Violation Final Penalty Total \$765

This violation Final Assessed Penalty (adjusted for limits) \$765

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 41335
Reg. Ent. Reference No. RN102323268
Media Air
Violation No. 6

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	13-Jan-2010	2-Dec-2011	1.88	\$141	n/a	\$141
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to implement measures and procedures designed to ensure that all deviations are reported in the semi-annual deviation reports. The Date Required is the earliest date that the emissions events were due to be reported as deviations. The Final Date is the projected date that corrective measures will be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$141

Screening Date 30-Mar-2011

Docket No. 2011-0429-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 41335

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 101.201(f) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to provide additional information at the request of the TCEQ. Specifically, in the Exit Interview Form dated January 13, 2011, emissions calculations for the emissions events that occurred on January 21, 2010, February 2, 2010, and June 23, 2010 were requested to be submitted by February 2, 2011, and the calculations have not been submitted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

The Respondent met at least 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

3

56 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$300

Three single events are recommended for the three sets of calculations.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$93

Violation Final Penalty Total \$765

This violation Final Assessed Penalty (adjusted for limits) \$765

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 41335
Req. Ent. Reference No. RN102323268
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	2-Feb-2011	2-Dec-2011	0.83	\$62	n/a	\$62
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$750	2-Feb-2011	2-Dec-2011	0.83	\$31	n/a	\$31

Notes for DELAYED costs

Estimated expense to submit the requested emissions calculations and to implement measures and procedures designed to ensure that additional information requested by the TCEQ is submitted within the established time frame. The Date Required is the date that the emissions calculations were due to be submitted. The Final Date is the projected date that corrective measures will be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,250

TOTAL

\$93

Screening Date 30-Mar-2011

Docket No. 2011-0429-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 41335

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 8

Rule Cite(s)

FOP No. 01641, Special Terms and Conditions No. 9, NSRP No. 6798, General Conditions, 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 22,151.69 lbs of unauthorized volatile organic compounds from a bleed valve on a butane line for the West Texas Fractionator II during an emissions event (Incident No. 148850) that began on December 27, 2010, and lasted sixteen minutes. This emissions event was the result of a leak that developed when a weld failure caused the valve to detach from the line. Since this emissions event was not properly reported, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to a significant amount of pollutants that did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

1

1

Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$12,750

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
 Case ID No. 41335
 Reg. Ent. Reference No. RN102323268
 Media Air
 Violation No. 8

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this Violation is included in Violation No. 9.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 30-Mar-2011

Docket No. 2011-0429-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 41335

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit the initial notification for Incident No. 148850 within 24 hours. Specifically, the emissions event was discovered on December 27, 2010 at 2:30 P.M., however, the initial notification was not submitted until December 28, 2010 at 3:54 P.M.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

The Respondent met at least 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$70

Violation Final Penalty Total \$255

This violation Final Assessed Penalty (adjusted for limits) \$255

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 41335
Req. Ent. Reference No. RN102323268
Media Air
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	28-Dec-2010	2-Dec-2011	0.93	\$70	n/a	\$70
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to implement training measures and procedures designed to ensure that initial notifications for emissions events are submitted within 24 hours. The Date Required is the date that the initial notification was due to be submitted. The Final Date is the projected date that corrective measures will be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$70

Compliance History

Customer/Respondent/Owner-Operator:	CN603211277	Enterprise Products Operating LLC	Classification: AVERAGE	Rating: 2.27
Regulated Entity:	RN102323268	ENTERPRISE MONT BELVUE COMPLEX	Classification: AVERAGE	Site Rating: 3.98
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID		TXT490013455
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)		31038
	AIR OPERATING PERMITS	ACCOUNT NUMBER		CI0008R
	AIR OPERATING PERMITS	PERMIT		1641
	POLLUTION PREVENTION PLANNING	ID NUMBER		P00218
	WASTEWATER	PERMIT		WQ0002940000
	WASTEWATER	EPA ID		TX0102326
	AIR NEW SOURCE PERMITS	AFS NUM		4807100007
	AIR NEW SOURCE PERMITS	REGISTRATION		93154
	AIR NEW SOURCE PERMITS	REGISTRATION		93268
	AIR NEW SOURCE PERMITS	PERMIT		20698
	AIR NEW SOURCE PERMITS	REGISTRATION		52923
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		CI0008R
	AIR NEW SOURCE PERMITS	PERMIT		76070
	AIR NEW SOURCE PERMITS	PERMIT		22105
	AIR NEW SOURCE PERMITS	PERMIT		5581
	AIR NEW SOURCE PERMITS	PERMIT		22113
	AIR NEW SOURCE PERMITS	PERMIT		8418
	AIR NEW SOURCE PERMITS	REGISTRATION		71200
	AIR NEW SOURCE PERMITS	PERMIT		6798
	AIR NEW SOURCE PERMITS	PERMIT		8707
	AIR NEW SOURCE PERMITS	PERMIT		21945
	AIR NEW SOURCE PERMITS	REGISTRATION		53906
	AIR NEW SOURCE PERMITS	REGISTRATION		71649
	AIR NEW SOURCE PERMITS	PERMIT		19930
	AIR NEW SOURCE PERMITS	REGISTRATION		72757
	AIR NEW SOURCE PERMITS	REGISTRATION		5581A
	AIR NEW SOURCE PERMITS	PERMIT		22114
	AIR NEW SOURCE PERMITS	REGISTRATION		74173
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX655
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX790
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX790M1
	AIR NEW SOURCE PERMITS	REGISTRATION		76748
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX1057
	AIR NEW SOURCE PERMITS	REGISTRATION		81083

AIR NEW SOURCE PERMITS	REGISTRATION	77678
AIR NEW SOURCE PERMITS	REGISTRATION	94065
AIR NEW SOURCE PERMITS	REGISTRATION	94067
AIR NEW SOURCE PERMITS	REGISTRATION	94133
AIR NEW SOURCE PERMITS	REGISTRATION	85755
AIR NEW SOURCE PERMITS	REGISTRATION	95777
AIR NEW SOURCE PERMITS	REGISTRATION	82841
AIR NEW SOURCE PERMITS	REGISTRATION	82781
AIR NEW SOURCE PERMITS	REGISTRATION	85477
AIR NEW SOURCE PERMITS	REGISTRATION	87477
STORMWATER	PERMIT	TXR05N205
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	CI0008R

Location: 10207 FM 1942, MONT BELVIEU, TX, 77580

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 31, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 31, 2006 to May 31, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Johnson Phone: (361) 825-3423

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 06/26/2006

ADMINORDER 2005-1905-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to operate within permitted limits of Air New Source Permit 20698. The permitted limits were exceeded during a 45 minute period of time on March 19, 2005, with the following quantities: 164 lbs NOx, 328 lbs CO, and 1,135 lbs VOC.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 5581, Special Condition 1 PERMIT

Description: Failed to operate within permitted limits of Air New Source Permit 5581. Zero emissions are authorized from the tank loading operations. Unauthorized emissions of propane (11,452 lbs) were released over a 35 minute period of time on March 17, 2005.

Effective Date: 11/06/2008

ADMINORDER 2007-1162-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: NSR Permit 8707 Application Representati PERMIT
 Description: Enterprise Products failed to maintain an emission rate below permit application representations of 1.12 lbs/hr of VOCs.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: NSR Permit No. 6798 PERMIT
 Description: Enterprise Products failed to maintain an emission rate below permit application representations of 1.61 lbs/hr of VOCs.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: No. 5581, Special Condition No.1 PERMIT
 NSR Permit No. 5581, Application Reps. PERMIT
 Description: Enterprise Products failed to maintain an emission rate below permitted limits of 0.13 lbs/hr.

Effective Date: 12/25/2010 ADMINORDER 2010-0821-AIR-E

Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(F)
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
 5C THSC Chapter 382 382.085(b)
 Description: Failed to accurately report the emissions of Incident No. 135653.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: SPECIAL CONDITION 1 OP
 Description: Failed to prevent unauthorized emissions including 592 pounds of butenes by failing to prevent the shutdown of a compressor during startup.

Effective Date: 03/19/2011 ADMINORDER 2010-1465-AIR-E

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Condition No. 1 PERMIT
 Description: Failure to prevent unauthorized emissions specifically when liquid isobutene built up in the Oleflex separation vessels.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to comply with the reporting requirement.

- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 08/16/2006 (457875)
- 2 08/18/2006 (484206)
- 3 09/01/2006 (484311)

4	09/01/2006	(485408)
5	08/07/2006	(485623)
6	08/17/2006	(497263)
7	06/21/2006	(504944)
8	01/25/2007	(509021)
9	07/05/2007	(510264)
10	01/18/2007	(512452)
11	11/29/2006	(518496)
12	08/17/2006	(527245)
13	09/22/2006	(527246)
14	05/04/2007	(531851)
15	12/29/2006	(534612)
16	12/29/2006	(534764)
17	03/22/2007	(543615)
18	03/22/2007	(543728)
19	10/23/2006	(551048)
20	12/04/2006	(551049)
21	12/22/2006	(551050)
22	05/11/2007	(560142)
23	05/15/2007	(560429)
24	06/28/2007	(563807)
25	07/27/2007	(567461)
26	09/14/2007	(570542)
27	08/09/2007	(571640)
28	10/04/2007	(572683)
29	02/22/2007	(587597)
30	03/23/2007	(587598)
31	04/24/2007	(587599)
32	05/21/2007	(587600)
33	06/22/2007	(587601)
34	01/23/2007	(587602)

35	07/23/2007	(605099)
36	08/20/2007	(605100)
37	09/26/2007	(605101)
38	01/25/2008	(615942)
39	10/23/2007	(628181)
40	11/28/2007	(628182)
41	12/20/2007	(628183)
42	05/17/2008	(656986)
43	03/24/2008	(676345)
44	01/24/2008	(676346)
45	08/01/2008	(684640)
46	08/04/2008	(687899)
47	02/22/2008	(694741)
48	04/18/2008	(694742)
49	05/22/2008	(694743)
50	07/22/2008	(694744)
51	02/17/2009	(703394)
52	12/08/2008	(709762)
53	06/24/2008	(716228)
54	08/21/2008	(716229)
55	09/23/2008	(716230)
56	03/13/2008	(726401)
57	10/27/2008	(731749)
58	11/24/2008	(731750)
59	12/29/2008	(731751)
60	05/07/2009	(743316)
61	02/23/2009	(755140)
62	02/06/2009	(755141)
63	01/27/2009	(755142)
64	05/20/2011	(767479)

65	03/20/2009	(772268)
66	04/22/2009	(772269)
67	05/21/2009	(772270)
68	04/15/2010	(787086)
69	03/23/2010	(788999)
70	05/11/2010	(792698)
71	06/14/2010	(801826)
72	02/22/2010	(816816)
73	06/22/2009	(816817)
74	07/22/2009	(816818)
75	08/20/2009	(816819)
76	09/22/2009	(816820)
77	10/21/2009	(816821)
78	11/23/2009	(816822)
79	12/17/2009	(816823)
80	01/25/2010	(816824)
81	03/22/2010	(835122)
82	04/22/2010	(835123)
83	05/20/2010	(835124)
84	10/11/2010	(842599)
85	09/28/2010	(843218)
86	08/18/2010	(844085)
87	08/31/2010	(844336)
88	06/21/2010	(847567)
89	02/14/2011	(857784)
90	02/14/2011	(857796)
91	11/08/2010	(860369)
92	12/07/2010	(865930)
93	12/22/2010	(865931)
94	12/03/2010	(865932)
95	11/24/2010	(865933)

96 12/29/2010 (865935)
97 12/22/2010 (865938)
98 11/22/2010 (865940)
99 09/28/2010 (868529)
100 08/23/2010 (868530)
101 09/22/2010 (875427)
102 03/15/2011 (878162)
103 02/28/2011 (880886)
104 10/21/2010 (882978)
105 11/29/2010 (889392)
106 04/19/2011 (891827)
107 03/01/2011 (892919)
108 03/07/2011 (894391)
109 02/11/2011 (895187)
110 12/20/2010 (897764)
111 02/24/2011 (900450)
112 01/24/2011 (903651)
113 04/06/2011 (908466)
114 02/22/2011 (910546)
115 04/18/2011 (912865)
116 05/13/2011 (915443)
117 03/21/2011 (917780)
118 05/17/2011 (920477)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/31/2006 (504944)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (527245)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/17/2006 (497263)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
NO. 76070, Special Condition No. 1 PERMIT

Description: Failed to prevent misaligned valves resulting in unauthorized emissions.

Date: 08/31/2006 (527246)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/18/2007 (512452)

Self Report? NO

Classification: Moderate

Citation: 19930, Special Condition 2F PERMIT
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THC Chapter 382, SubChapter A 382.085(b)
O-1641, Special Condition 1A OP
O-1641, Special Condition 9 OP

Description: Control valve UV-2173 was not monitored during the second and third quarters of 2006.

Date: 01/25/2007 (509021)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP #O-01641, SC #1A OP
FOP #O-01641, SC #9 OP
NSR #19931, SC #7E PA

Description: Failure to seal 128 open-ended valves/lines per 30 TAC 115.352(4).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP #O-01641, SC #1A OP

Description: Failure to submit the required report of the results of NOX testing per 30 TAC 117.219(c).

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP #O-01641, SC #1A OP
FOP #O-01641, SC #6E OP

Description: Failure to record the starting and ending times of the operation of stationary diesel engines from June 13, 2005 through June 12, 2006.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP #O-01641, SC #1A OP

Description: Failure to record daily flare observations from June 13, 2005 through June 12, 2006 per 111.111(a)(4)(A)(ii).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP #O-01641, SC #9 OP
NSR #20509, SC #11 PA

Description: Failure to perform daily sulfur content monitoring of Merox Off-Gas on June 13, 2005 per NSR #20509, SC #11.

Date: 02/28/2007 (587598)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2007 (587601)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2007 (605100)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2007 (605101)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2007 (628182)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2007 (676346)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2008 (694741)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2008 (694743)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2008 (716230)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2008 (731750)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/17/2009 (703394)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(d)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Terms and Conditions No. 1(A) OP
Description: failure to submit the 40 CFR §60.115b(d)(3) and 40 CFR 60.665(l)(4) & (2) semiannual reports in a timely manner.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(l)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(l)(3)
5C THSC Chapter 382 382.085(b)
Special Terms & Conditions No. 1(A) OP
Description: failure to submit the 40 CFR §60.705(l)(3) & (2) semiannual report with information on all periods in which the pilot flame of the north plant flare was absent and all periods when the vent stream is diverted from the flare to the atmosphere.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Conditions No. 21(A) PERMIT
Special Terms and Conditions No. 9 OP
Description: failure to perform the annual RATA on the NOx, CO, and O2 CEMS by the June 30, 2007 due date.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP
Description: failure to visually inspect the internal floating roof at least once every 12 months.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition no. 26(D) PERMIT
Special Terms and Conditions No. 9 OP
Description: failure to visually inspect the internal floating roof at least once every 12 months.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 29(B)(3) PERMIT
Special Terms and Conditions No. 9 OP
Description: failure for the NOx and CO CEMS to generate 23 hourly averages per day for stationary turbines D4GT0123, D4GT0223, and D4GT0323.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 21(C) PERMIT
Special Terms and Conditions No. 9 OP
Description: failure to insure that the NOx and CO CEMS would generate 23 hourly averages per day.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 10(B)(3) PERMIT
Special Terms and Conditions No. 9 OP
Description: failure for the NOx and CO CEMS to generate 23 hourly averages per day.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 21(C) PERMIT
Special Terms and Conditions No. 9 OP
Description: failure to demonstrate compliance with the NOx and CO emission limits while the CEMS is off-line during daily calibration failure.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP
Description: failure to prevent open-ended lines.

Date: 03/31/2009 (772269)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/23/2010 (788999)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
Chronic Biomonitoring Requirements PERMIT
ELMR, No. 1, p. 2 PERMIT
ELMR, No. 1, p. 2c PERMIT

Description: Failure to collect effluent samples at the frequency specified in the permit at Outfalls 001 and 002.

Date: 04/14/2010 (787086)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 1 PERMIT

Description: Failed to operate within permitted limits of Air New Source Permit 20698. The permitted limits were exceeded during a 45 minute period of time on March 19, 2005, with the following quantities: 164 lbs NOx, 328 lbs CO, and 1,135 lbs VOC.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5581, Special Condition 1 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to operate within permitted limits of Air New Source Permit 5581. Zero emissions are authorized from the tank loading operations. Unauthorized emissions of propane (11,452 lbs) were released over a 35 minute period of time on March 17, 2005.

Date: 06/30/2010 (868529)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2010 (868530)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2010 (875427)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2010 (844336)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the semi-annual deviation report, dated January 9, 2009, within the required 30-day timeframe (Category B3 Violation)

Date: 09/30/2010 (882978)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2011 (917780)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 05/20/2011 (767479)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 1A OP
FOP Special Term and Condition 9 OP
NSR Flexible Permit Special Condition 4C PERMIT

Description: Failure to operate the flares (FL-1, FL-2 and FL-45) without visible emissions exceeding a total of five minutes during any two consecutive hours.
Category C4

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Terms and Condition 1A OP
FOP, Special Terms and Condition 9 OP
NSR, General Terms and Condition 9 PERMIT
NSR, Special Condition 4B PERMIT

Description: Failure to ensure proper combustion and maintain a pilot flame on FL-1.
Category C4 violation

F. Environmental audits.

Notice of Intent Date: 10/12/2009 (782650)

No DOV Associated

Notice of Intent Date: 04/22/2010 (826716)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENTERPRISE PRODUCTS
OPERATING LLC
RN102323268**

§ **BEFORE THE**
§
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-0429-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enterprise Products Operating LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 10207 Farm-to-Market Road 1942 in Mont Belvieu, Chambers County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about March 5, 2011, March 6, 2011, March 19, 2011, and April 24, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Sixty-Six Thousand Nine Hundred Twenty-Five Dollars (\$66,925) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Twenty-Six Thousand Seven Hundred Seventy Dollars (\$26,770) of the administrative penalty and Thirteen Thousand Three Hundred Eighty-Five Dollars (\$13,385) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty-Six Thousand Seven Hundred Seventy Dollars (\$26,770) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures:
 - a. By February 2, 2011, the corrected emission amounts and duration for the final record for Incident No. 148850 were provided to TCEQ staff;
 - b. By February 10, 2011, the corrected emission amounts for the final record for Incident No. 146894 were provided to TCEQ staff; and
 - c. By March 23, 2011, the Respondent revised the tubing installation procedures to require additional inspection steps, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 146803.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of Federal Operating Permit ("FOP") No. O1641, Special Terms and Conditions No. 9, New Source Review Permit

("NSRP") Nos. 19930, PSD-TX-797M1, and PSD-TX-790, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 12, 2011. Specifically, the Respondent released 3,049.01 pounds ("lbs") of propylene, 1,202.31 lbs of propane, 43.25 lbs of n-butane, and 30.27 lbs of ethane from a pump in the North Storage Unit during an avoidable emissions event (Incident No. 146803) that began on October 30, 2010, and lasted one hour and ten minutes. This emissions event was the result of a leak that developed on a seal flush line on Pump P-704. Since this emissions event could have been avoided through better maintenance practices and was not properly reported, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. Failed to submit the final record for Incident No. 146803 within two weeks after the end of the emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 12, 2011. Specifically, the emissions event ended on October 30, 2010 at 11:25 a.m., and the final record was not submitted until November 18, 2010 at 3:30 p.m.
3. Failed to prevent unauthorized emissions, in violation of FOP No. 01641, Special Terms and Conditions No. 9, Standard Permit Registration No. 87477, General Conditions, 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 10, 2011. Specifically, the Respondent released 11,593.73 lbs of propane from a gasket on the Depropanizer Column Reboiler during an emissions event (Incident No. 146894) that began on November 1, 2010, and lasted six hours. This emissions event was the result of a leak that developed when a gasket failed due to thermal expansion. Since the Respondent failed to submit a final record, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. Failed to submit a final record for Incident No. 146894, in violation of 30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 10, 2011. Specifically, a final record was required to be submitted for this emissions event since it was determined that the actual quantity of emissions differed from the quantity that was reported in the initial notification.
5. Failed to report emissions events that exceeded a reportable quantity, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 13, 2011. Specifically, a review of the Respondent's recordable emissions event records indicated that emissions events that occurred on April 25, 2008, August 3, 2008, October 9, 2008, November 5, 2008, November 10, 2008, and September 16, 2009, exceeded a reportable quantity, and the emissions events were not reported to the TCEQ.
6. Failed to report all instances of deviations, in violation of FOP No. 01641, General Terms and Conditions, 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 13, 2011. Specifically, 26 recordable and reportable emissions events occurred during the June 13, 2009 through December 12, 2009, December 13, 2009 through June 12, 2010, and June 13, 2010 through December 12, 2010 reporting periods, and they were not reported as deviations in the semi-annual deviation reports.

7. Failed to provide additional information at the request of the TCEQ, in violation of 30 TEX. ADMIN. CODE § 101.201(f) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 13, 2011. Specifically, in the Exit Interview Form dated January 13, 2011, emissions calculations for the emissions events that occurred on January 21, 2010, February 2, 2010, and June 23, 2010 were requested to be submitted by February 2, 2011, and the calculations have not been submitted.
8. Failed to prevent unauthorized emissions, in violation of FOP No. 01641, Special Terms and Conditions No. 9, NSRP No. 6798, General Conditions No. 1, 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 2, 2011. Specifically, the Respondent released 22,151.69 lbs of volatile organic compounds from a bleed valve on a butane line for the West Texas Fractionator II during emissions event (Incident No. 148850) that began on December 27, 2010, and lasted sixteen minutes. This emissions event was the result of a leak that developed when a weld failure caused the valve to detach from the line. Since this emissions event was not properly reported, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
9. Failed to submit the initial notification for Incident No. 148850 within 24 hours, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 2, 2011. Specifically, the emissions event was discovered on December 27, 2010 at 2:30 p.m., however, the initial notification was not submitted until December 28, 2010 at 3:54 p.m.
10. Failed to submit a final record for Incident No. 148850, in violation of 30 TEX. ADMIN. CODE § 101.201(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 2, 2011. Specifically, a final record was required to be submitted for this emissions event since it was determined that the actual quantity of emissions and duration of the emissions event differed from what was reported in the initial notification.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2011-0429-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-Six Thousand Seven Hundred Seventy Dollars (\$26,770) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures and procedures designed to ensure that final records for emissions events are submitted when the information differs from the information reported in the initial notification, in accordance with 30 TEX. ADMIN. CODE § 101.201;
 - ii. Report the emissions events that occurred on April 25, 2008, August 3, 2008, October 9, 2008, November 5, 2008, November 10, 2008, and September 16, 2009 to the State of Texas Environmental Electronic Reporting System, in accordance with 30 TEX. ADMIN. CODE § 101.201;
 - iii. Implement measures and procedures designed to ensure that emissions events are reported to the TCEQ when a reportable quantity is exceeded, in accordance with 30 TEX. ADMIN. CODE § 101.201;
 - iv. Implement measures and procedures designed to ensure that all recordable and reportable emissions events are reported in the semi-annual deviation reports, in accordance with 30 TEX. ADMIN. CODE § 122.145;
 - v. Provide emissions calculations, including the basis for such calculations, for the emissions events that occurred on January 21, 2010, February 2, 2010, and June 23, 2010, in accordance with 30 TEX. ADMIN. CODE § 101.201, to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

- vi. Implement measures and procedures designed to ensure that additional information requested by TCEQ staff is provided within the established timeframe, in accordance with 30 TEX. ADMIN. CODE § 101.201; and
 - vii. Implement measures and procedures designed to ensure that initial notifications for emissions events are submitted with 24 hours of discovery, in accordance with 30 TEX. ADMIN. CODE § 101.201.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

11/17/11
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

7/29/11
Date

Graham Bacon
Name (Printed or typed)
Authorized Representative of
Enterprise Products Operating LLC

VICK PRESIDENT HOUSTON REGION
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2011-0429-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Payable Penalty Amount:	Fifty-Three Thousand Five Hundred Forty Dollars (\$53,540)
SEP Amount:	Twenty-Six Thousand Seven Hundred Seventy Dollars (\$26,770)
Type of SEP:	Pre-approved
Third-Party Recipient:	Barbers Hill Independent School District- Alternative Fueled Vehicle and Equipment Program
Location of SEP:	Chambers County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Barbers Hill Independent School District** for the **Alternative Fueled Vehicle and Equipment Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

C. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

John Johnson
Carl Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 101
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

Enterprise Products Operating LLC
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.